

**99TH GENERAL ASSEMBLY****State of Illinois****2015 and 2016****SB3433**

Introduced 5/23/2016, by Sen. Dale A. Righter

**SYNOPSIS AS INTRODUCED:**

430 ILCS 66/15

Amends the Firearm Concealed Carry Act. Provides that a law enforcement agency objection to a license applicant based upon information in an arrest or incident report must be based upon information from an investigation of the objecting law enforcement agency and not an investigation of another law enforcement agency. Provides that nothing in the Act prohibits the law enforcement agency from contacting the investigating law enforcement agency regarding the license applicant. Provides that a law enforcement agency that submits an objection to a license applicant may withdraw that objection before its submission to the Concealed Carry Licensing Review Board. Provides that the Department of State Police may review a law enforcement agency objection to a license applicant before the Department's submission of the objection to the Board. Provides that the verification shall determine: (i) if the criteria under this Act for the submission of an objection by the law enforcement agency has been met, (ii) that the objection is against the proper person, and (iii) that information relevant to the objection has been included as required by the Act. Provides that an objection failing verification shall be returned to the objecting agency and that agency shall have 10 calendar days after receiving notification from the Department that the objection failed verification to submit to the Department the required information, a response, or withdrawal of the objection. Provides that if the objecting agency fails to act on the notification within the 10 calendar days, the Department may reject the objection and process the application in accordance with the Act.

LRB099 21965 RLC 48987 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Firearm Concealed Carry Act is amended by  
5 changing Section 15 as follows:

6 (430 ILCS 66/15)

7 Sec. 15. Objections by law enforcement agencies.

8 (a) Any law enforcement agency may submit an objection to a  
9 license applicant based upon a reasonable suspicion that the  
10 applicant is a danger to himself or herself or others, or a  
11 threat to public safety. A law enforcement agency objection to  
12 a license applicant based upon information in an arrest or  
13 incident report must be based upon information from an  
14 investigation of the objecting law enforcement agency and not  
15 an investigation of another law enforcement agency. Nothing in  
16 this Act prohibits the law enforcement agency from contacting  
17 the investigating law enforcement agency regarding the license  
18 applicant. The objection shall be made by the chief law  
19 enforcement officer of the law enforcement agency, or his or  
20 her designee, and must include any information relevant to the  
21 objection. A law enforcement agency that submits an objection  
22 to a license applicant may withdraw that objection before its  
23 submission to the Board. If a law enforcement agency submits an

1 objection within 30 days after the entry of an applicant into  
2 the database, the Department shall submit the objection, unless  
3 withdrawn or rejected as provided in this Section, and all  
4 information available to the Board under State and federal law  
5 related to the application to the Board within 10 days of  
6 completing all necessary background checks and a verification  
7 by the Department, if requested. The Department may review a  
8 law enforcement agency objection to a license applicant before  
9 the Department's submission of the objection to the Board. The  
10 verification shall determine: (i) if the criteria under this  
11 Act for the submission of an objection by the law enforcement  
12 agency has been met, (ii) that the objection is against the  
13 proper person, and (iii) that information relevant to the  
14 objection has been included as required by this Section. An  
15 objection failing verification shall be returned to the  
16 objecting agency and that agency shall have 10 calendar days  
17 after receiving notification from the Department that the  
18 objection failed verification to submit to the Department the  
19 required information, a response, or withdrawal of the  
20 objection. If the objecting agency fails to act on the  
21 notification within the 10 calendar days, the Department may  
22 reject the objection and process the application in accordance  
23 with this Act.

24 (b) If an applicant has 5 or more arrests for any reason,  
25 that have been entered into the Criminal History Records  
26 Information (CHRI) System, within the 7 years preceding the

1 date of application for a license, or has 3 or more arrests  
2 within the 7 years preceding the date of application for a  
3 license for any combination of gang-related offenses, the  
4 Department shall object and submit the applicant's arrest  
5 record to the extent the Board is allowed to receive that  
6 information under State and federal law, the application  
7 materials, and any additional information submitted by a law  
8 enforcement agency to the Board. For purposes of this  
9 subsection, "gang-related offense" is an offense described in  
10 Section 12-6.4, Section 24-1.8, Section 25-5, Section 33-4, or  
11 Section 33G-4, or in paragraph (1) of subsection (a) of Section  
12 12-6.2, paragraph (2) of subsection (b) of Section 16-30,  
13 paragraph (2) of subsection (b) of Section 31-4, or item (iii)  
14 of paragraph (1.5) of subsection (i) of Section 48-1 of the  
15 Criminal Code of 2012.

16 (c) The referral of an objection under this Section to the  
17 Board shall toll the 90-day period for the Department to issue  
18 or deny the applicant a license under subsection (e) of Section  
19 10 of this Act, during the period of review and until the Board  
20 issues its decision.

21 (d) If no objection is made by a law enforcement agency or  
22 the Department under this Section, the Department shall process  
23 the application in accordance with this Act.

24 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)